

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TK ELEVATOR CORP.,

Plaintiff,

-against-

NAVIGATORS INSURANCE CO.,

Defendant.

**ORDER**

21 Civ. 4227 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff is hereby ORDERED to respond to the argument in Defendant's October 13, 2022, letter that the new Second Cause of Action in Plaintiff's proposed Second Amended Complaint (Dkt. No. 39-1 ¶¶ 90–97) would be futile for the reasons stated by the Court at the March 3, 2022, conference. (Def. Ltr. (Dkt. No. 40) at 3; Mar. 3, 2022, Conf. Tr. (Dkt No. 31) at 4:18–5:11) Plaintiff shall submit its response by **December 1, 2022, at 9:00 a.m.**

Dated: New York, New York  
November 30, 2022

SO ORDERED.



Paul G. Gardephe  
United States District Judge